

Remarks

Claims 22-45, 47-56 and 58-63 are pending in the captioned application. Claims 31-45, 47-56 and 58-63 are allowed. The Office Action rejected claims 22-30. Applicants request reconsideration and a determination that all pending claims of the captioned application are allowable.

The undersigned attorney thanks the Examiner for her courtesy in the telephone conversation on 7 June 2006, during which we discussed the matters presented below.

The Office Action rejected claims 22-30 as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. The only explanation for the rejection is that claim 22 is not identical to claim 1 of U.S. Patent No. 6,239,744, and that applicants stated in Remarks submitted on 20 April 2004 that claims 22-46 had previously been “copied substantially [from the ‘744 patent], for the purpose of provoking an interference with the ‘744 patent and with an application... that was a continuation of the application that issued as the ‘744 patent.”

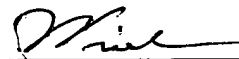
First of all, applicants did not state that the claims had been copied identically but only that they had been copied substantially. More importantly, the statutory requirement under the second paragraph of 35 U.S.C. §112 has to do with the clarity and precision of claim language as it is written in the application (*see* MPEP §2173), and does not have anything to do whether or how faithfully that claim was copied from another patent. Applicants respectfully request withdrawal of the pending rejection.

In a 6 January 2006 reply to an office action, applicants noted that the office actions had not included initialed PTO-1449 forms indicating consideration of the documents previously identified in information disclosure statements submitted by the applicants. Copies of those

previously submitted information disclosure statements were enclosed, and applicants offered to provide second copies of the listed documents that had been previously submitted. A 2 March 2006 Office Communication requested second copies of the foreign patent and non-patent documents, and applicants submitted second copies of those documents on 20 March 2006. The pending 31 May 2006 Office Action does include initialed PTO-1449 forms, but it does not include the eight-page PTO-1449 form that was originally received by the PTO on 19 March 2002 (a copy of which was included with the 6 January 2006 submission, and for which second copies of the listed documents had been submitted on 20 March 2006). Another copy of that information disclosure statement (together with a copy of a return receipt post card showing PTO receipt effective 19 March 2002) is enclosed, and it is requested that an initialed copy of that PTO-1449 form be included with the next Office Communication. Pursuant to the above-mentioned telephone conversation, a third copy of the listed documents is not enclosed but will be provided if requested.

The applicants submit that the claims are in condition for allowance, and request reconsideration and a determination that the claims are allowable. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the captioned application, the applicants request the Examiner to call the undersigned at the below-listed telephone number.

Respectfully submitted,



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